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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,367	07/18/2000	Stan Jirman	APLE.P0005	8886
23349	7590	01/29/2004	EXAMINER	
STATTLER JOHANSEN & ADELI P O BOX 51860 PALO ALTO, CA 94303			LAO, SUE X	
			ART UNIT	PAPER NUMBER
			2126	5

DATE MAILED: 01/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/618,367

Applicant(s)

JIRMAN ET AL.

Examiner

S. Lao

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 6) ☐ Other: \_\_\_\_\_

### **DTAILED ACTION**

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-22 are presented for examination.

3. Claims 1-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claims 1, 19 and 21 recite "event object ... executing independent of said application" and claim 10 recites "event logging mechanism operating independent of said applications". However, in the application as filed, there does not appear to be any detailed description of such independence to enable one skilled in the art to make and/or use this aspect of the invention. In fact, applicant discloses that the event object/mechanism is activated / turned-on by the application (page 13, lines 16-17), that the event data such as application's start time is sent by the application to be recorded (page 14, lines 6-7), and that application informs the event logging center of the special events to be recorded (page 14, lines 14-17). In other words, as disclosed, the operations of the event object/mechanism are not independent of the application.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 4, 5, 10, 14, 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites "said event objects" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites "said events" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites "said mechanism capable of being utilized" in line 4. It is not clear whether or not the mechanism is actually utilized.

Claim 14 recites "said layer" in line 3. There is insufficient antecedent basis for this limitation in the claim. For the purpose of art rejection, it is interpreted as "said foundational layer", as best understood and as it appears to be.

Claims 16-18 recite "said event objects" in line 2. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 5 is objected to because of the following informalities: Claim 5 recites "user definition the hierarchical levels" in line 2, which appears to be "user definition of the hierarchical levels". Appropriate correction is required.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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8. Claims 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Nock (U S Pat. 6,144,967).

As to claim 10, Nock teaches a system comprising:

a foundational layer (operating system 46 and log analysis framework) upon which applications (application programs 40) are built and executed (fig. 8, 9); and

an event logging mechanism (log analysis framework) operating independent of [It is noted that steps of fig. 9, which do not involve actions of an application program] said applications, said mechanism capable of being utilized (framework user initiates log analysis procedure, col. 15, lines 54-67) by any of said applications. See col. 13, lines 9-67.

As to claim 11, Nock teaches the event logging mechanism logs start time (begin section event), end time (end section event) and other event information (appropriate LogEvent types, error) into an event object (LogSection object) for every event to be logged. Col. 13, line 9 – col. 14, line 13.

As to claim 12, Nock teaches the foundational layer includes an operating system (operating system 46).

As to claim 13, Nock teaches the foundational layer includes a programmable framework (log analysis framework).

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1, 19, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nock.

As to claim 21, Nock teaches an apparatus comprising:

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means for creating (parse into LogEvent Objects), for every event (event) to be logged within an application (application 40), an event object (LogSection object) (col. 13, lines 9-25), said event object executing independent of said application [It is noted that steps of fig. 9, which do not involve actions of the application program]; and

means for logging (begin processing, fig. 9) within said event object the start time (begin section event), end time (end section event) and information regarding the event (appropriate LogEvent types, e.g., error). See col. 13, line 9 – col. 14, line 13.

While Nock does not explicitly teach that the event object occupies a memory space, this would have been an obvious choice because the event/log data are stored for later analysis by the framework (steps in fig. 10).

As to claim 1, it is a method claim of claim 21, and thus note claim 21 for discussion.

As to claim 19, it is a program product claim of claim 1, thus note claim 1 for discussion.

11. Claims 2, 3, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nock as applied to claims 1, 10 in view of Niemi et al (U S Pat. 6,470,388).

As to claim 14, Nock teaches the event logging mechanism can be turned on from beyond the execution space of said applications within said layer (framework user initiates log analysis procedure, col. 15, lines 54-67). Nock further teaches turning on and off is separate for each event in that section events are built/recorded one after another (begin section event to end section event).

Nock does not explicitly teach turning off the event logging mechanism.

Niemi teaches turning off (set state to disabled) an event logging mechanism (debug object) after it was turned on and completed logging (col.14, lines 31-45; col. 11, lines 24-44). Therefore, it would have been obvious to turn off the event logging mechanism in Nock. One of ordinary skill in the art would have been motivated to combine the teachings of Nock and Niemi because this would have allowed users to enable the logging without having to close or re-start the application (col. 3, lines 56-60).

As to claim 15, Nock teaches turning on and configuring the event logging mechanism via a user interface (framework user initiates log analysis procedure via user interface, col. 15, lines 54-67). Browser is a well known type of user interface. Therefore, it would have been obvious to use a browser to implement the user interface of Nock. Note discussion of claim 14 for including a turning off function.

As to claim 16, Nock teaches the event logging mechanism is configured to analyze the event objects (perform analysis, fig. 9, 148) and present to the results (send error message to operator, col. 15, lines 3-16) thereof via the user interface (34). Note discussion of claim 15 for using a browser to implement the user interface.

As to claims 2, 3, Niemi teaches event logging, including checking, for each event identified by the application, whether event logging has been turned on (issue GetState() on debug object), creating and logging are performed for each event having event logging turned on (perform logging if state of the debug object is enabled). See col. 11, lines 1-44. Note discussion of claim 14 for a motivation to combine.

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nock as applied to claim 1 in view of Sato et al (U S Pat. 5,819,094).

As to claim 4, Sato teaches event logging and analysis, including analyzing event objects after event logging is turned off in that a user analyzes the log data contained within the history diagram, after program execution, and thus recording of the log data / history diagram, are completed. Col. 2, lines 43-56; col. 9, lines 18-57. Therefore, it would have been obvious to analyze event objects after event logging is turned off in Nock. One of ordinary skill in the art would have been motivated to combine the teachings of Nock and Sato because this would have enhanced log analysis by using visual manipulation of the log data. (Sato, col. 3, lines 6-13).

13. Claim 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nock in view of Niemi as applied to claim 16 and further in view of Ben-Natan et al (U S Pat. 5,740,354).

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As to claims 17, 18, Nock teaches analyzing event objects based upon hierarchical grouping (perform\_analysis() at log section or log levels, fig.s 17, 19 and denoting text) and aggregating event objects deemed identical based upon hierarchical grouping (multiple (0...n) log section objects, fig. 14 and denoting text).

Nock does not teach contextual grouping of events. Ben-Natan teaches processing logged event data, including analyzing event data based on contextual grouping (related errors). See col. 14, lines 2-10. Therefore, it would have been obvious to analyze event objects/data based on contextual grouping in Nock. One of ordinary skill in the art would have been motivated to combine the teachings of Nock and Ben-Natan because this would have provided users of Nock better understanding of events/errors via association. (Ben-Natan, col. 3, line 37 – col. 4, line 14).

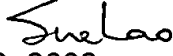
14. Claim 20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nock as applied to claims 19, 21 in view of Ben-Natan et al.

As to claims 20, 22, note the discussion of claim 17.

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue Lao whose telephone number is (703) 305-9657. A voice mail service is also available at this number. The examiner's supervisor, SPE Meng-Ai An, can be reached on (703) 305 9678. The examiner can normally be reached on Monday - Friday, from 9AM to 5PM. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Sue Lao   
January 13, 2003